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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Austria, Bulgaria, Canada, Czech Republic, Denmark, Finland*, Germany, Hungary*, Iceland*, Italy, Netherlands, Norway*, Romania, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to respect and promote the human rights and fundamental freedoms and values embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and in international humanitarian law,

Recalling General Assembly resolution 51/112 of 12 December 1996 on the human rights situation in the Sudan and its own resolution 1996/73 of 23 April 1996, also on the human rights situation in the Sudan,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detentions without trial, forced displacement of persons and torture, as described inter alia in numerous reports submitted to the General Assembly and the Commission on Human Rights,[1]

Expressing serious concern about reports of religious persecution, including forced conversion of Christians and animists, in government-controlled areas of the Sudan,

Gravely disturbed that the Government has not provided full and impartial investigations and reports on human rights violations and abuses,

Deeply concerned about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan,

Deeply concerned also that access of international relief organizations to civilian populations continues to be severely impeded,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, who have been forcibly displaced and who are in need of assistance and protection, and by the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people in Blue Nile province after 12 January 1997,

Deeply concerned about continued reports of slavery, servitude, the slave trade and forced labour, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations,

Also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities,

Gravely concerned about reports that these practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

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[1] Interim report on the situation of human rights in the Sudan (A/51/490 annex), Report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), Interim report on the elimination of all forms of religious intolerance relating to a visit to the Sudan (A/51/542/Add.2). Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91).

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged by the General Assembly in resolution 51/112,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Welcoming the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, and the Working Group on Contemporary Forms of Slavery,

Welcoming also the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights from 1 to 7 December 1996,

Regretting that the second visit of the Special Rapporteur on the situation of human rights in the Sudan had to be abruptly terminated, and noting that the visit of the Special Rapporteur on freedom of opinion and expression has yet to take place,

Noting again the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Centre for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help these committees improve the observance of human rights in the Sudan,

1. Welcomes the most recent report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), and expresses its support for his work;

2. Deeply regrets that the Government of the Sudan declared it was unable to guarantee the security of the United Nations Special Rapporteur on the situation of human rights in the Sudan during his abbreviated visit to the Sudan in January 1997;

3. Expresses its deep concern at continued serious human rights violations by the Government of the Sudan, including extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture,

and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

4. Also expresses deep concern at actions by other parties to the conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge;

5. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

6. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

7. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

8. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to

ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

10. Also calls upon the Government of the Sudan to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international humanitarian law, with the assistance of the International Committee of the Red Cross and other appropriate organizations, and that those responsible for violations of such law are brought to justice;

11. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, separate children from their families and social backgrounds, forcibly round up children from the streets, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them;

12. Also urges the Government of the Sudan to carry out promptly its promised investigations into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, to complete those investigations already begun and to take all appropriate measures to put an immediate end to these practices;

13. Welcomes the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and urges the Government of the Sudan to give full effect to the work of the Committee;

14. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development or related initiatives under its auspices to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Calls once more upon the Government of the Sudan to carry out a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver such assistance;

19. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

20. Decides to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

23. Encourages the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

24. Encourages the Government of Sudan, while acknowledging the mention of positive changes, to note the concerns mentioned in the report of

the Special Rapporteur on religious intolerance and to review the recommendations made therein, with a view to modifying or repealing government legislation, policies, or activities, as suggested;

25. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur;

26. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need;

27. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session;

28. Decides to continue its consideration of this question as a matter of priority at its fifty-fourth session.